

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JAMES TRUELL,

Plaintiff,

-against-

CITY OF NEW YORK, *et al.*,

Defendants.

20-CV-0992 (CM)

ORDER

COLLEEN McMAHON, Chief United States District Judge:

Plaintiff filed this complaint *pro se*. By order dated March 9, 2020, the Court directed Plaintiff to file an amended complaint. The Court mailed the order to the George R. Vierno Center, which is Plaintiff's address of record, but it was returned as undeliverable. On May 21, 2020, the Court remailed the order to the Otis B. Bantum Center, which the New York City Department of Corrections website shows to be Plaintiff's current address. To date, Plaintiff has not submitted an amended complaint.

Adding to the confusion, Plaintiff filed an amended complaint in a different case, *Truell v. Doe*, ECF 1:20-CV-0839, 4. In that action, the Court had directed Plaintiff to submit a prisoner authorization, not an amended complaint. Moreover, the amended complaint concerns entirely new matters from those raised in either prior case. Thus, it is not clear whether Plaintiff intended to file it in this case, but instead mistakenly filed it in the 20-CV-0839 action.

The Court grants Plaintiff an extension of time to comply with the March 9, 2020 order. Within thirty days from the date of this order, Plaintiff must file an amended complaint that addresses the deficiencies discussed in the March 9, 2020 order. If Plaintiff submits the amended complaint, it should be labeled with docket number 20-CV-0992 (CM).

In addition, the Court's docket still shows Plaintiff's address to be GRVC. Accordingly, Plaintiff must fill out and return the attached change of address form. Plaintiff's address will not be changed on the Court's docket unless he submits the change of address form. Plaintiff is reminded of his obligation to notify the Court in writing if his address changes, and that the Court may dismiss this action if he fails to do so.

### CONCLUSION

The Clerk of Court is directed to mail a copy of this order to Plaintiff at the following address: James Truell, No. 8951901178, Otis B. Bantum Center, 1600-00 Hazen Street, East Elmhurst, New York, 11370, and note service on the docket. Within thirty days from the date of this order, Plaintiff must submit an amended complaint that complies with the March 9, 2020 order to amend. Plaintiff must also submit a change of address form. No summons shall issue at this time. If Plaintiff complies with this order, the case shall be processed in accordance with the procedures of the Clerk's Office. If Plaintiff fails to comply with this order within the time allowed, the action will be dismissed.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444–45 (1962) (holding that appellant demonstrates good faith when seeking review of a nonfrivolous issue).

SO ORDERED.

Dated: June 16, 2020  
New York, New York



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COLLEEN McMAHON  
Chief United States District Judge

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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(List the full name(s) of the plaintiff(s)/petitioner(s).)

\_\_\_\_ CV \_\_\_\_ (\_\_\_\_)(\_\_\_\_)

-against-

NOTICE OF CHANGE OF  
ADDRESS

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(List the full name(s) of the defendant(s)/respondent(s).)

I hereby notify the Court that my address has changed to the following:

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Date

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Signature

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Name (Last, First, MI)

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Prison Identification # (if incarcerated)

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Address

City

State

Zip Code

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Telephone Number

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E-mail Address (if available)